

REMARKS

Amendments

The claims are amended to delete superfluous language, correct errors in spelling, grammar, and punctuation, and to use language in accordance with conventional US practice. Use claims 13-21 and 23 are converted into method claims. Claims 9, 12, 22, and 26 are cancelled.

New claims 31-38 are directed to further embodiments of the claimed invention and are supported throughout the disclosure. See, e.g., page 46, line 5-page 47, line 22, and page 59, line 30-page 60, line 20.

Election

In response to the Restriction Requirement, applicants hereby elect Group I, which is said to be drawn to compounds, compositions, and “a process for manufacturing a glycinamide of formula I.” However, clarification is requested as to the elected group. This group is said to include one process claim, i.e., claim 11. But, this claim is **not** directed to a process for manufacturing a glycinamide of formula I. It is instead directed to a process for preparing a composition containing a glycinamide of formula I. Conversely, claim 28 of Group V is drawn to a process for manufacturing glycinamides of formula I (specifically those of the subgenus defined by formula II). Thus, it is unclear whether elected Group I contains claim 11 and/or claim 28.

For the purposes of this election, applicants will assume that both claims 11 and 28 are intended to be included in Group I. Thus, the claims that read on the elected invention are claims 1-8, 10, 11, 28, and 31-38.

With respect to the election of species requirement, applicants hereby elect the compound N-(4-Chloro-3-trifluoromethyl-phenyl)-2-[3-(pyridin-3-yloxy)-phenylamino]-acetamide as the elected species. See the top of page 71 and the text bridging pages 157-158. The claims which read on the elected species are claims 1-8, 10, 11, 28, and 31-38.

The Restriction Requirement is, however, respectfully traversed. Firstly, it is noted that the Restriction refers to Annex B of the PCT Guidelines. Annex B was superseded by

the PCT International Search and Preliminary Examination Guidelines issued in 2004. However, the ISPE guidelines on unity of invention are very similar to the prior Annex B.

In the Restriction, it is acknowledged that Annex B, section (e) (ISPE 10.12) states that an independent product claim, an independent process claim specially adapted to manufacture the product, and an independent claim for use of the product is a permissible combination. Specifically, the section states that such combinations will be construed as permissible under PCT Rule 13.2.

But, the Restriction asserts that such a combination is lacking. This is incorrect. Claim 28 (Group V) claims a process for making compounds within the scope of formula I. In addition, method claims 24, 25, and 27 (and now amended claims 13-21 and 23), recite methods of use of the compounds of Group I, as is acknowledged in the Restriction (see the characterizations of Groups III and IV at page 5 of the Office Action).

Thus, it is respectfully submitted that the Restriction fails to set forth any reason as to why Groups III-V are not being examined with elected Group I. Thus, applicants respectfully request that claims 1-8, 10, 11, 13-21, 23-25, 27, 28, and 31-38 be examined together.

Further, Groups VI and VII are each related to Group I as intermediates and final product. The Restriction fails to provide any rationale as to why the intermediates of Groups VI and VII are not being examined with the final product of Group I. See Annex B, section (g) (ISPE 10.18). Withdrawal of the Restriction as to Groups VI and VII and elected Group I is also respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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